



U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005

December 20, 2023

VIA ECF

Hon. Zahid N. Quraishi
United States District Judge
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Novartis Pharmaceuticals Corp. v. Becerra*, No. 3:23-cv-14221-ZNQ-DEA

Dear Judge Quraishi:

Defendants in the above-captioned matter, having conferred with counsel for Plaintiff, write to submit the parties' proposed consent order to modify the summary-judgment briefing schedule by (1) extending the page limits for the parties' three remaining briefs, (2) extending the deadline for Plaintiff's combined opposition and reply brief by two weeks, and (3) extending the deadline for Defendants' reply brief by one week. As good cause for this request, the parties offer the following:

Plaintiff in this case brings constitutional claims challenging the Medicare Drug Price Negotiation Program, which was created by the Inflation Reduction Act of 2022. *See* Compl., ECF No. 1. On October 25, 2023, the parties jointly moved to set a briefing schedule, which addressed briefing deadlines, page limits, and a handful of other ancillary issues. ECF No. 12. On October 27, the Court granted that motion and issued an order adopting the parties' proposed briefing schedule and page limits. ECF No. 13. On November 22, Plaintiff filed its motion for summary judgment, totaling 40 pages. ECF No. 18.

As the arguments have developed, Defendants now believe that additional pages for the remaining briefs will allow them to address the important issues raised in this litigation more coherently and comprehensively, and ultimately make it easier for the Court to reach a final resolution of all of the legal issues. Among other reasons, Defendants intend to raise jurisdictional arguments in their cross-motion that Plaintiff's motion for summary judgment did not address. Plaintiffs do not oppose this request but have asked for a corresponding increase to their page limit and an extension of time to file their remaining brief. Accordingly, the parties respectfully request

- a 20-page extension (from 40 to 60 pages) for Defendants' combined opposition and cross-motion for summary judgment, due January 12, 2024;
- a 35-page extension (from 40 to 75 pages) for Plaintiff's combined reply in support of their motion and opposition to Defendants' cross-motion for summary judgment, and a two-week extension of time from February 9 to February 23, 2024; and
- a 20-page extension (from 25 to 45 pages) for Defendants' reply in support of their cross-motion, and a one-week extension of time from March 20 to March 27, 2024.

Before filing this letter, Defendants shared a copy with counsel for Plaintiff, who confirmed that Defendants are authorized to make this proposal on behalf of all parties. If the Court, however, would prefer that the parties submit a formal stipulation or joint motion, or proceed through another procedural mechanism, the parties stand ready to proceed in whatever manner the Court directs. For the Court's convenience, a jointly proposed order is attached, on behalf of all parties.

Dated: December 20, 2023

Respectfully submitted,

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